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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,676	08/31/2001	Daniel Keele Burgin	1160215/0474949	8505

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EXAMINER

MOSSER, KATHLEEN MICHELE

ART UNIT	PAPER NUMBER
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3715

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/944,676	Applicant(s) BURGIN ET AL.	
	Examiner Kathleen Mosser	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/09/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/15/05, 01/09/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In response to the amendment and request for reconsideration filed 12/07/2005, claims 37-53 and newly added claims 54-56 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/07/2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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1. Claims 37-53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al (US 2002/0130895 A1) in view of Jawahar et al (US 6256620 B1). Brandt teaches a method for providing help/support information to user including the steps of: passing a navigation event (the help signal paragraph 29) from a first frame (web page) originating from a first domain (the web file) to a second frame (the help window, paragraph 13) originating from a second domain (the instructions in the computer memory), see paragraphs 36 and 37; determining the present navigation location within the first frame using the navigation event and initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location (paragraph 31), as in **claims 37 and 45**. Collecting data from the first frame that was collect from the user in the first frame and passing the received information to the second frame (**claims 39, 42, 47 and 50**) is shown in the tracking of the user actions in the web page, see paragraph 45. The web page of Brandt is by definition a content frame, as per **claims 40 and 48**. Brandt et teaches receiving a user request for help (**claim 36**), see Figure 3, element 34.

Brandt fails to specifically teach: displaying the first frame and the second frame in a single web page at the user computer (**claims 37, 45 and 53**); or that the browser is subject to the consistent page domain security requirement (**claim 53**); initiation a live help session and passing the data from the automated help session to the live help session (**claims 38 and 46**); passing a command from the automated support session to the first frame (**claims 41 and 49**); receiving data that was collected in the live help session and passing the data to the first frame (**claims 43 and 51**); receiving data collected from the user in the second frame and passing the data to the live help session (**claims 44 and 52**); and that the user's computer, first Internet domain, and second Internet domain are separate (**claim 53** and newly added to **claims 37 and 45**).

Jawahar et al teaches on online system for providing live support to an end-user. The system teaches collecting all interaction of a user on a web page (content frame) and passing this information to the live support session in at least col. 12: 65 - col. 13:23. These features are substantially similar to the data collection and passing steps not taught by Brandt. The ability for the help session to send

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information to the user's computer, i.e. passing information from the help session to the content frame, is shown in col. 7: 37-40. The Jawahar et al system monitors all user interactions, which in the combination of the inventions, includes those interactions made with the automated help system of Brandt et al. Separation of each of the various features of Jawahar is taught in at least Figure 2. The use of multiple frames within a web-browser, including one indicating the help session and the other representing the browser location is shown in at least col. 12: 21-64. Jawahar also teaches the use of either the Netscape or Internet Explore browser (see col. 6: 8-21), both of which are known to operate under the consistent page domain security when implemented in a Windows environment. It would have been obvious to one of ordinary skill in the art to implement the live help session features of Jawahar et al with the automated help system of Brandt et al so as to implement a convenient means for a user encountering difficulties with a web page to contact a live representative to gain assistance (Jawahar et al, background).

Regarding the newly added limitations of **claims 37, 45 and 53**, Brandt fails to explicitly teach that the automated agent monitors one or both of (i) a plurality of subsequent navigation locations of the end-user within the first frame or (ii) a plurality of subsequent navigation events initiated by the endUser within the first frame, wherein the act of monitoring comprises passing the above information to the second frame (automated agent). Jawahar et al teaches a monitoring program which monitors all actions of a user as they browse a website, see col. 13: 9+. This function is used when the invention of Jawahar determines whether to offer the user "help". The information monitored is sent to the live help system of Jawahar et al. It would have been obvious to one of ordinary skill in the art to implement the monitoring software of Jawahar et al within the automated support system of Brandt et al so as to allow the system to monitor all actions of the user up to and including the specific request for help and allow the system to determine where users were having the most difficulties in navigating a website.

2. Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al (US 2002/0130895 A1) in view of Jawahar et al (US 6256620 B1), as applied to claims 37 and 38 above, and further in view of Sullivan et al (US 6694314). Brandt et al and Jawahar et al teach all features of the invention as shown above but fail to specifically teach: gathering help data associated with the live help

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session, updating a knowledge database with the help data, and using the help data from the updated knowledge database in a subsequent automated help session to provide assistance to the end-user (**claim 54**); or masking either a first or second address to create the appearance that the first and second address are the same address (**claim 55**). Sullivan et al teaches a user support system in which the user may receive both automated support and live support. Sullivan teaches keeping a database of help provided to a user, and using this database to further enhance the automated help systems in col. 3: 39-51 and col. 13: 3-28. The masking features are described in col. 7: 31-44. It would have been obvious to one of ordinary skill in the art to implement the features of Sullivan with those of Brandt et al and Sullivan so as to provide a more efficient automated help system, in which users were less frequently required to seek live-help.

Response to Arguments

3. Applicant's arguments filed 12/09/2005 have been fully considered but they are not persuasive. Upon full reconsideration of the amendments and the prior art the examiner has determined that Jawahar et al teaches and reasonably suggests the newly added features of claims 37, 45, and 53. An explanation of such is found in the above rejection of the claims. Regarding applicant's arguments starting on page 9, second full paragraph of the response. The applicant argues that Brandt et al teaches away from the combination. This argument is supported by the assertion that by alerting the content of a frame the content of the web page is also altered. Applicant cites Brandt et al, paragraph 9 for a showing that Brandt et al intentional uses a secondary web page so as to not replace the original content of the webpage. A frame is defined as: "A rectangular section of the page displayed by a Web browser that is a separate HTML-document from the rest of the page. Web pages can have multiple frames, each of which is a separate document." (*Microsoft Computer Dictionary, Fifth Edition*) The intent of the Brandt et al system is to ensure that the user does not loose the page they were viewing when they requested help, see paragraph 7. By implementing the help feature disclosed by Brandt et al to separate frames within the same web page (as shown by Jawahar et al) the user is able to view the contents of

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both web pages simultaneously. Given this and the inherent benefits of framed systems, the examiner maintains the rejections and asserts that Brandt et al does not teach away from the combination as presented above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Mosser whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kathleen Mosser
Primary Examiner
Art Unit 3715

February 13, 2006